

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSE BAZAN,

Plaintiff,

v.

U.S. BANCORP,

Defendant.

Case No.: C 10-3265 PVT

**ORDER CONTINUING HEARING, AND
SETTING DEADLINE FOR PLAINTIFF TO
FILE EITHER A “CONSENT TO PROCEED
BEFORE A UNITED STATES MAGISTRATE
JUDGE,” OR ELSE A “DECLINATION TO
PROCEED BEFORE A UNITED STATES
MAGISTRATE JUDGE AND REQUEST FOR
REASSIGNMENT”**

On August 2, 2010, Defendant filed a Motion to Dismiss.¹ Pursuant to Civil Local Rule 73-1(a)(2), no later than one week after that motion was filed each party was required to file either a written consent to the jurisdiction of the Magistrate Judge, or request reassignment to a District Judge.² Only Defendant has yet done so. Therefore, based on the file herein,

IT IS HEREBY ORDERED that the hearing on the motion to dismiss is CONTINUED to 10:00 a.m. on November 9, 2010.

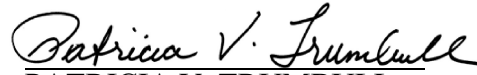
IT IS HEREBY ORDERED that, no later than October 19, 2010, Plaintiff shall file either a

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

² Magistrate Judges have authority to hear dispositive motions, such as the motion to dismiss, only in cases where all parties have consented to Magistrate Judge jurisdiction. See 28 U.S.C. § 636(c)(1).

1 “Consent to Proceed Before a United States Magistrate Judge,” or else a “Declination to Proceed
2 Before a United States Magistrate Judge and Request for Reassignment to a United States District
3 Judge.”³

4 Dated: *10/5/10*

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6 PATRICIA V. TRUMBULL
United States Magistrate Judge

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³ Both forms are available from the clerk of the court, or from the “Forms” section of the court’s website (www.cand.uscourts.gov).